

**ZB# 06-22**

**James Reynolds**

**7-3-11**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
Granted 6-12-06

06-22 James Reynolds - Area  
10 Samantha Ct. (7-3-11)

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 7-3-11

In the Matter of the Application of

**JAMES REYNOLDS**

MEMORANDUM OF  
DECISION GRANTING

**AREA**

CASE #06-22

**WHEREAS, James Reynolds**, owner(s) of 10 Samantha Court, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 39 ft. Rear Yard Setback for proposed attached pool deck and; 9ft. Side Yard Setback and 9 ft. Rear Yard Setback for existing Shed (Bulk Tables 300-11-A-1-B) in an R-4 Zone (7-3-11)

**WHEREAS**, a public hearing was held on June 12, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there was one spectator(s) appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application the speaker only asked questions with respect to the application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties in an R-4 zone.
  - (b) The shed has been in existence for approximately one year, during which time there have been no complaints about it, either formal or informal.

- (c) In constructing the shed and deck, the applicant will not remove any trees or substantial vegetation.
- (d) In building the shed and deck the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements
- (e) In building the shed and deck the applicant will not create the ponding or collection of water or divert the flow of water drainage
- (f) With the shed and deck, the house will be similar in size and nature to other houses in the neighborhood.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

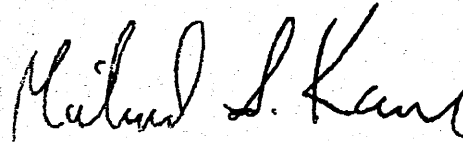
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 39 ft. Rear Yard Setback for proposed attached pool deck and; 9ft. Side Yard Setback and 9 ft. Rear Yard Setback for existing Shed (Bulk Tables 300-11-A-1-B) at 10 Samantha Court in an R-4 Zone (7-3-11) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: June 12, 2006

A handwritten signature in cursive script, reading "Michael S. Kaur", is written over a horizontal line.

Chairman

**OFFICE OF THE BUILDING INSPECTOR**  
**TOWN OF NEW WINDSOR**  
**ORANGE COUNTY, NEW YORK**

2 of 2

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**DATE: August 29, 2005**

**APPLICANT: James Reynolds**  
**10 Samantha Court**  
**New Windsor, NY 12553**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 8/23/05**

**FOR : Existing shed**

**LOCATED AT: 10 Samantha Court**

**ZONE: R-4 Sec/Blk/ Lot: 7-3-11**

**DESCRIPTION OF EXISTING SITE: Existing one-family house**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Existing shed does not meet minimum 10ft. set-backs.**

  
**BUILDING INSPECTOR**

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4 USE:  
MIN LOT AREA:

Bulk Tables 300-11-A-1-B

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

10'

1'

9'

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

10'

1'

9'

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unchecked inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

AUG 23 2005

FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

X Owner of Premises James & Jennifer Reynolds

X Address 10 Samantha Court New Windsor Phone # (845) 863-1571

X Mailing Address Same as above Fax # \_\_\_\_\_

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_



Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of \_\_\_\_\_  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section 7 Block 3 Lot 11

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Storage b. Intended use and occupancy \_\_\_\_\_

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? No

Existing  
10x8  
Shed  
Renewal of Bldg 1363

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \_\_\_\_\_ Fee \$50.00

**PAID**

CL # 354 B 50  
(part of \$150)  
**ZONING BOARD**

1 1  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Liel & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4895 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

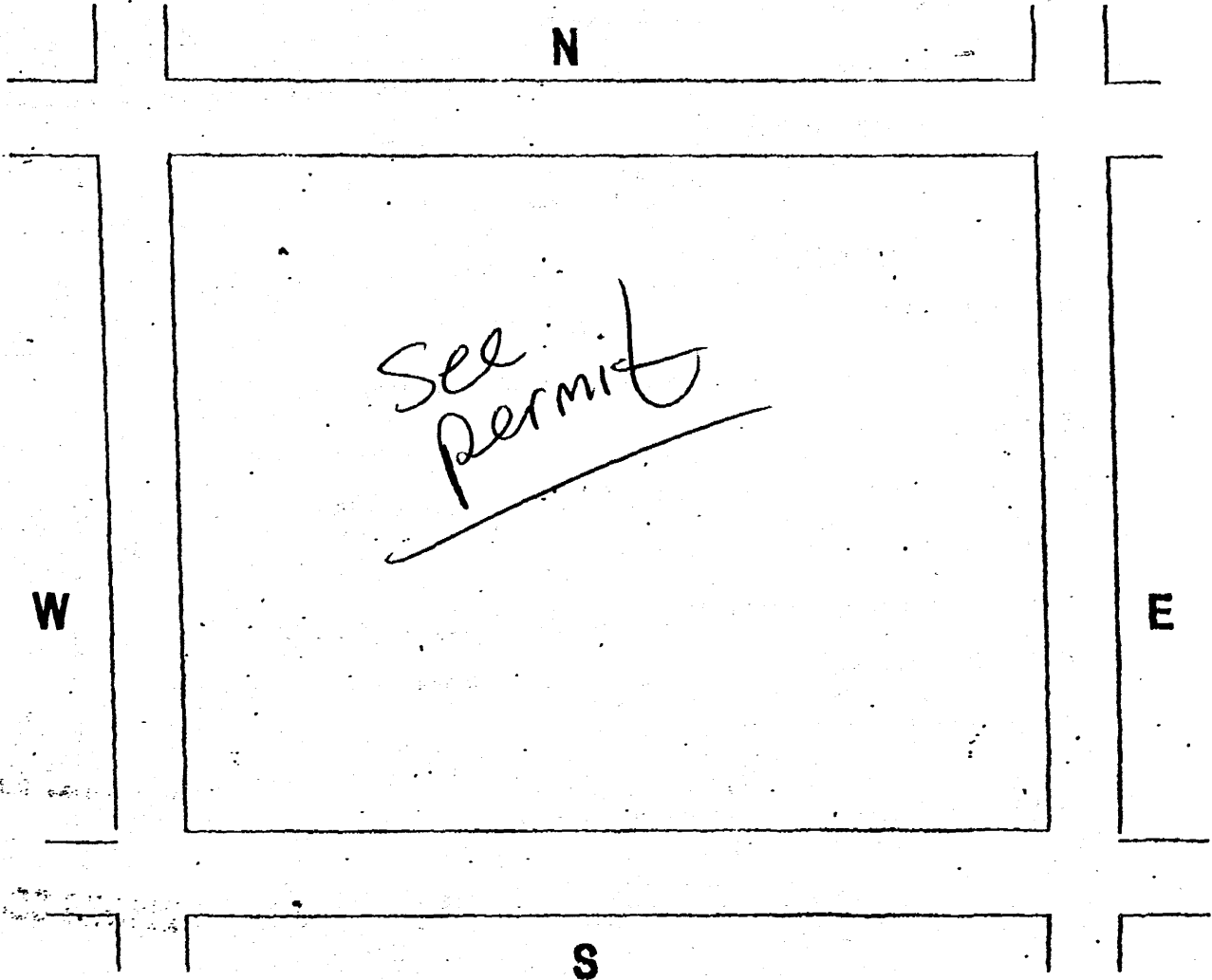
X James S. Regan  
(Signature of Applicant)

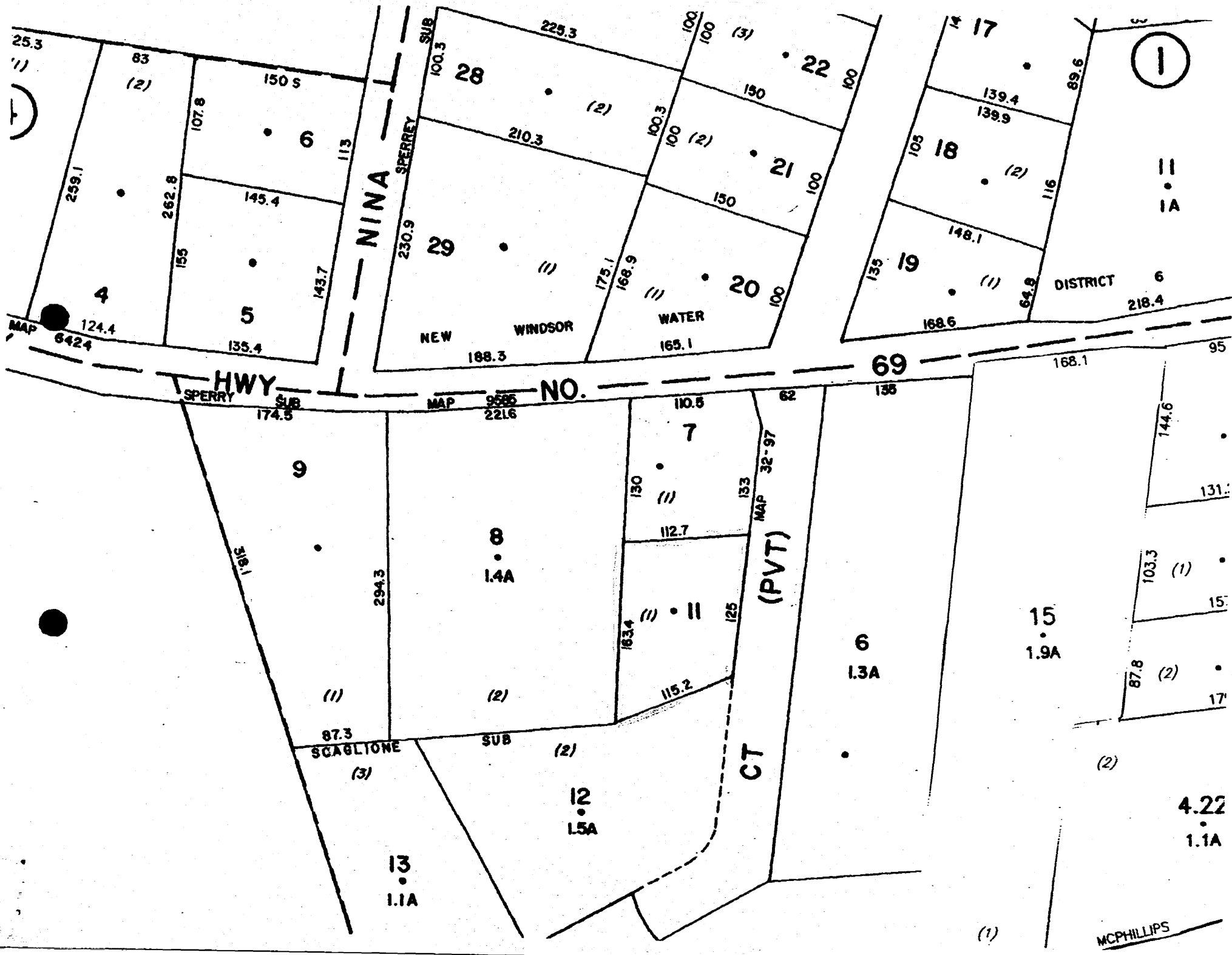
(Address of Applicant)

X James S. Babcock  
(Signature of Building Inspector)

PLOT PLAN

**NOTE:** Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





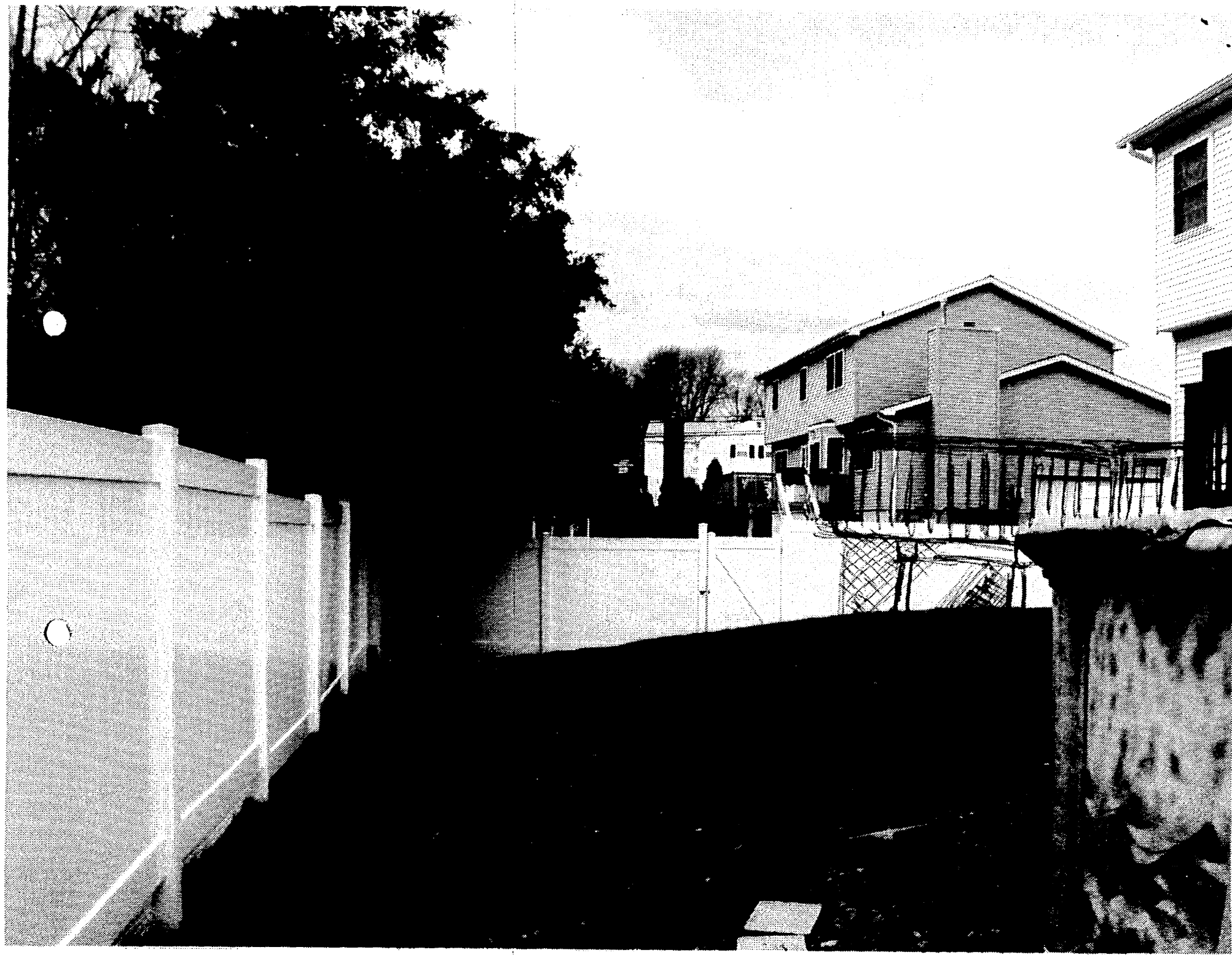




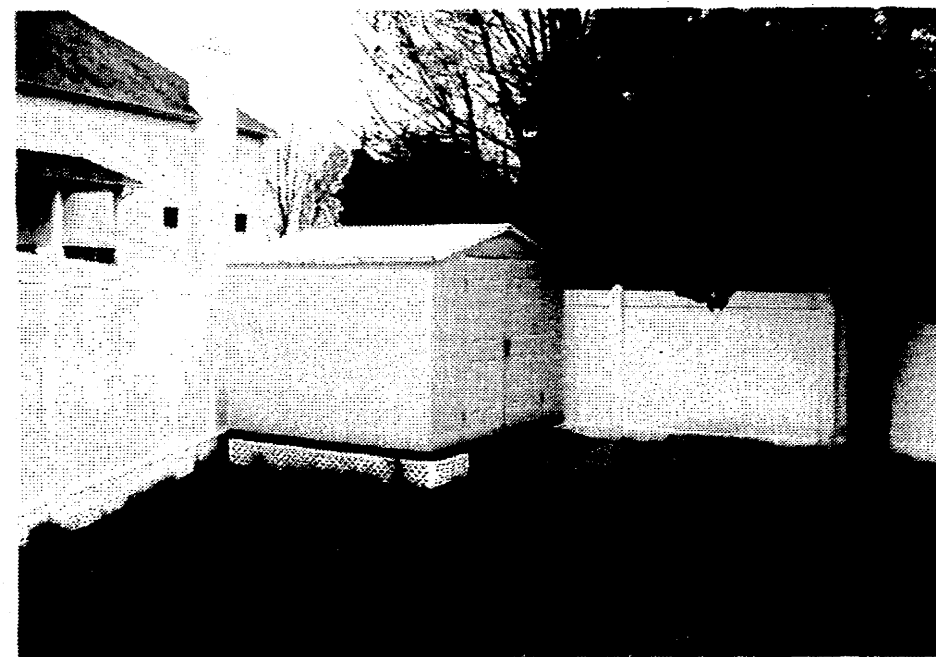
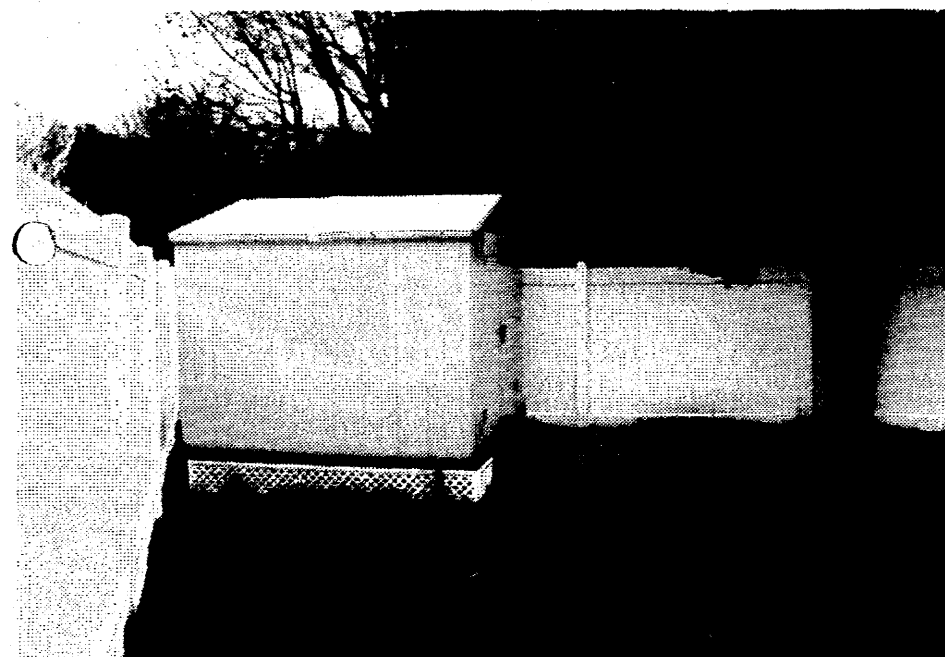
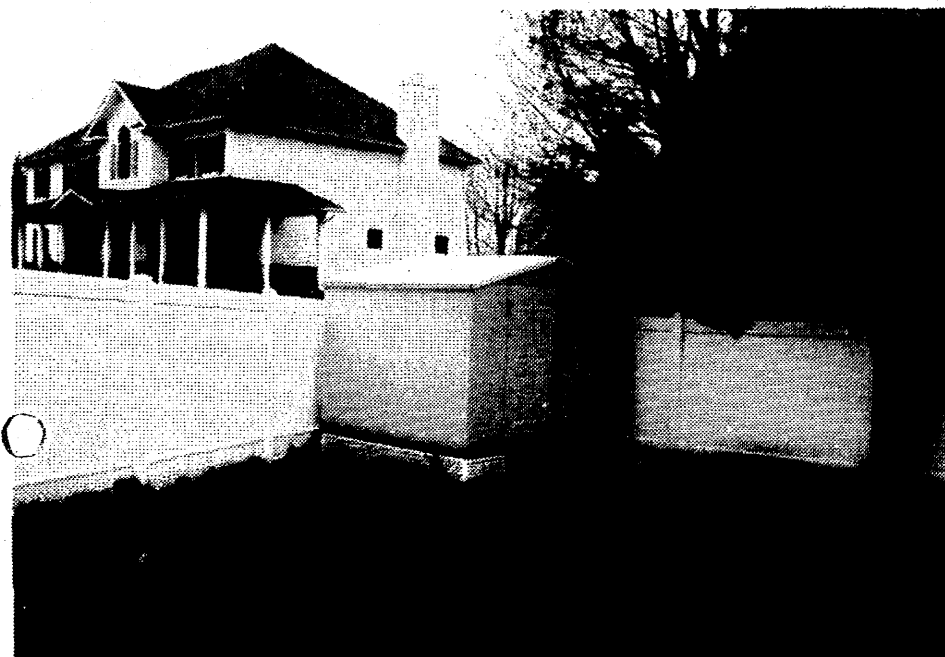




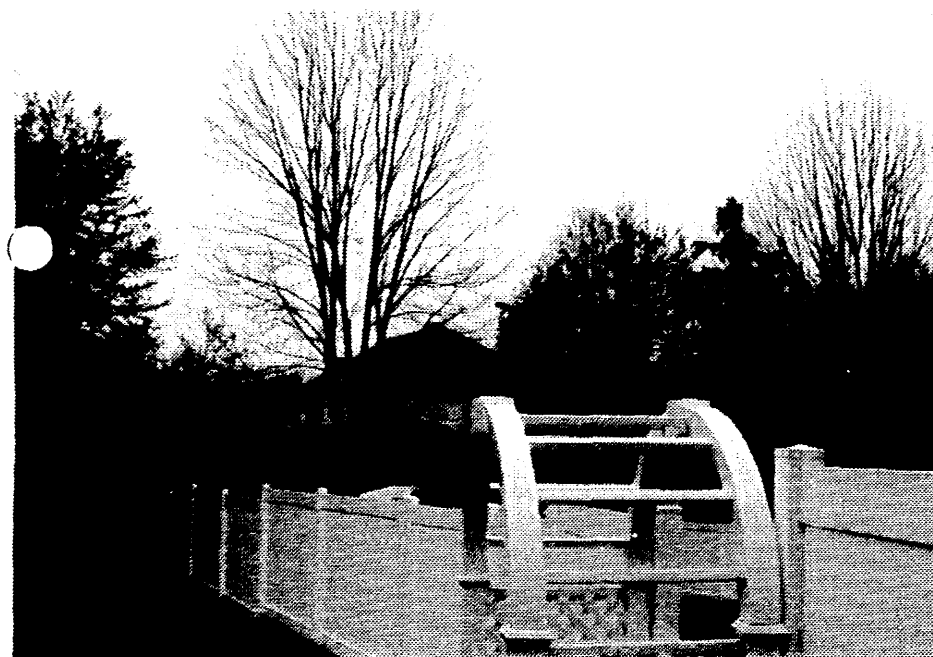












Waldo Residence



McPhillips Residence



Mark & Dee





Carlone Residence







**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: JULY 25, 2006**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 132.51 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #06-22**

**NAME & ADDRESS:**

**James Reynolds  
10 Samantha Court  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**L.R.07-25-06**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #06-22      TYPE: AREA      TELEPHONE: 863-1571

**APPLICANT:**

James Reynolds  
10 Samantha Court  
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>455</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      RESIDENTIAL \$300.00      CHECK # 456



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>9</u>	PAGES	\$ <u>63.00</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>21.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 05-19-06      \$ 13.49

TOTAL:      \$ 97.29      \$ 70.00



ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:      \$ 167.49

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 132.51

Cc:

L.R. 07-25-06

JAMES REYNOLDS (06-22)

Mr. James Reynolds appeared before the board for this proposal.

MR. KANE: Request for 39 foot rear yard setback for proposed attached pool deck and 9 ft. side yard setback and 9 ft. rear yard setback for existing shed at 10 Samantha Court.

MR. REYNOLDS: Last time I was here I proposed a pool deck which is not exactly attached to my existing deck, just a railing standing on its own for convenience of getting in and out of the pool and also the shed, the shed is towards the back corner of my lot. Last time you asked me for pictures of other sheds in the neighborhood and other decks in the neighborhood and this is a shot from my back yard, this is Union Avenue right down here between two houses there.

MR. KANE: Let the record show that the applicant has presented numerous pictures of various back yards inundated with sheds and decks.

MR. KANE: This shed, how long has the shed been up?

MR. REYNOLDS: One year.

MR. KANE: Cut down any substantial vegetation?

MR. REYNOLDS: None at all.

MR. KANE: Create water hazards or runoffs?

MR. REYNOLDS: None whatsoever.

MR. KANE: Any easement running through the area where the shed is?

MR. REYNOLDS: No, sir.

MR. KANE: Any complaints about the shed formally or informally?

MR. REYNOLDS: No, sir, matter of fact, my next door neighbor here has his shed located in the reciprocal position from mine.

MR. KANE: At this point I'll open it up to the public, ask if anybody's here for this particular hearing. Okay, ma'am, just your name address and speak loud enough.

MS. GENTRY: I'm Becky Gentry from 5 Cimorelli Drive, my primary residence. I would have been concerned had you been cutting down trees or whatever else but this is already something that's been done.

MR. REYNOLDS: Yes.

MS. GENTRY: I saw the yard today and I have no questions.

MR. KANE: No problems, for or against it, don't care?

MS. GENTRY: No, it's fine, he's already done it and the neighbor, if the neighbor behind him had been concerned he would be here and speaking for himself so if he's not concerned then I'm not concerned.

MR. KANE: Okay, ma'am, thank you.

MS. GENTRY: It isn't don't care, when you say don't care, it sounds as though people are not involved. So if you could find a different way of saying it.

MR. KANE: No opinion.

MR. TORPEY: You checked it and it looks good.

MS. GENTRY: Or it seems to be, I don't know, don't care doesn't sound right. Do you know what I'm saying?

MR. KANE: Yeah.

MS. GENTRY: It sounds haphazard, like people didn't bother to show up, they probably have no opinion, that's a good way to say it, no protest, no opposition.

MR. KANE: No problem, thank you. Anybody else for this hearing? I'll close the public portion of the hearing and bring it back to Myra, ask how many mailings.

MS. MASON: On May 19, I mailed out 35 envelopes, had no response.

MR. KANE: Does the board have any further questions for Mr. Reynolds? No questions, I'll accept a motion.

MR. LUNDSTROM: I will offer a motion to grant the requested variance to Mr. James Reynolds' request for 39 foot rear yard setback for proposed attached pool deck and 9 foot side yard setback and 9 foot rear yard setback for existing shed regarding the bulk table 300-11-A-1-B at 10 Samantha Court.

MR. TORPEY: I will second that.

ROLL CALL

MR. LUNDSTROM	AYE
MR. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

**THE SENTINEL**P.O. BOX 406  
VAILS GATE, NY 12684**Invoice**

Date	Invoice #
6/8/2006	7769

Bill To	<i>W.W.</i>
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553	

**RECEIVED****JUN 27 2006**TOWN OF NEW WINDSOR  
CONTROLLER'S OFFICE

P.O. No.	Terms	Project
44890	Due on receipt	

Issue Date	Description	PCS/Units	Amount
5/19/2006	LEGAL ADS: APPEAL NO 06-22 JAMES REYNOLDS 1 AFFIDAVIT	9.49 4.00	9.49 4.00
<b>Total</b>			<b>\$13.49</b>

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845)  
562-1218

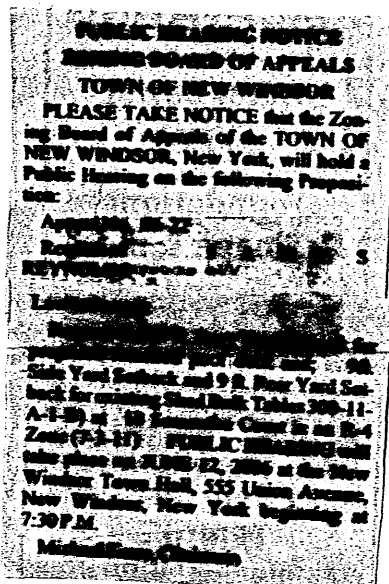
State of New York

County of Orange, ss:

Patricia Quill being duly

sworn disposes and says that she is The  
Supervisor of Legal Dept. of the E.W. Smith  
Publishing Company, Inc. Publisher of The  
Sentinel, a weekly newspaper published and  
of general circulation in the Town of New  
Windsor, Town of Newburgh and City of  
Newburgh and that the notice of which the  
annexed is a true copy was published 1 X

in said newspaper, commencing on  
the 19 day of May A.D., 2006  
and ending on the 19 day of May  
A.D. 2006



*Patricia Quill*  
Subscribed and shown to before me  
this 22<sup>nd</sup> day of June, 2006.

*Deborah Green*

Notary Public of the State of New York  
County of Orange.

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 2007

My commission expires \_\_\_\_\_



RESULTS OF Z.B.A. MEETING OF:

June 12, 2006

PROJECT: James Reynolds

ZBA # 06-22

P.B.# \_\_\_\_\_

USE VARIANCE:

NEED: EAF \_\_\_\_\_

PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LUNDSTROM \_\_\_\_\_

LOCEY \_\_\_\_\_

TORPEY \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LUNDSTROM \_\_\_\_\_

LOCEY \_\_\_\_\_

TORPEY \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LUNDSTROM \_\_\_\_\_

LOCEY \_\_\_\_\_

TORPEY \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LUNDSTROM \_\_\_\_\_

LOCEY \_\_\_\_\_

TORPEY \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) \_\_\_\_\_ S) \_\_\_\_\_

VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LUNDSTROM \_\_\_\_\_

LOCEY \_\_\_\_\_

TORPEY \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES ☒

VARIANCE APPROVED:

M) Lu S) T VOTE: A 4 N 0.

~~GANN~~ \_\_\_\_\_

LUNDSTROM A

LOCEY A

TORPEY A

KANE A

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

Becky Lestry - 5 Cimarelli Dr. - spoke re trees being cut



**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

**#06-22**

**X**

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF ORANGE )

**MYRA L. MASON, being duly sworn, deposes and says:**


That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 19TH day of MAY, 2006, I compared the 35 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra Mason  
Myra L. Mason, Secretary

19<sup>th</sup> day of May, 2006

  
Notary Public

**JENNIFER MEAD**  
**Notary Public, State Of New York**  
**No. 01ME6050024**  
**Qualified In Orange County**  
**Commission Expires 10/30/ 2026**

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

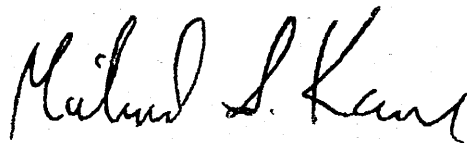
**Appeal No. 06-22**

**Request of JAMES REYNOLDS**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 39 ft. Rear Yard Setback for proposed attached pool deck and; 9ft. Side Yard Setback and 9 ft. Rear Yard Setback for existing Shed (Bulk Tables 300-11-A-1-B) at 10 Samantha Court in an R-4 Zone (7-3-11)**

**PUBLIC HEARING will take place on JUNE 12, 2006**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**



---

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

May 9, 2006

James Reynolds  
10 Samantha Court  
New Windsor, NY 12553

Re: 7-3-11 ZBA#: 06-22

Dear Mr. Reynolds:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/tmp  
Attachments

CC: Myra Mason, Zoning Board

4-2-7.1

Newburgh Enlarged City  
School District  
124 Grand Street  
Newburgh, NY 12550

7-1-18

Tung Thanh & Edith Njuyen  
3 Cimorelli Drive  
New Windsor, NY 12553

7-1-21

Alberto & Anna Rose Laudato  
4 Cimorelli Drive  
New Windsor, NY 12553

7-1-27

Christopher McLaughlin  
Antoinette McLaughlin  
306 Nina Street  
New Windsor, NY 12553

7-3-1

Joseph Peragine  
2 Park Hill Drive  
New Windsor, NY 12553

7-3-4.22

John & Martha Petro  
8 Park Hill Drive  
New Windsor, NY 12553

7-3-8 & 9

Duane Tamburini  
515 Union Avenue  
New Windsor, NY 12553

7-3-14.2

Mark & Divina Wicher  
19 Samantha Court  
New Windsor, NY 12553

7-4-6

Eva Venus  
303 Nina Street  
New Windsor, NY 12553

8-1-12

Clara Sgammato  
5 Ona Lane  
New Windsor, NY 12553

7-1-11

Garin Baker  
478 Union Avenue  
New Windsor, NY 12553

7-1-19

Mehmet & Ayse Bagsver  
1 Cimorelli Drive  
New Windsor, NY 12553

7-1-22

Esteban Castillo  
Luz Lopez Castillo  
6 Cimorelli Drive  
New Windsor, NY 12553

7-1-28

Dominick & Lorraine Lucera  
304 Nina Street  
New Windsor, NY 12553

7-3-2

Richard & Patricia Pelsue  
4 Park Hill Drive  
New Windsor, NY 12553

7-3-6 & 15

Eda & William McPhillips  
481 Union Avenue  
New Windsor, NY 12553

7-3-12

George & Athena Carlone  
14 Samantha Court  
New Windsor, NY 12553

7-4-4

Jacqueline & Eugene Scarano  
516 Union Avenue  
New Windsor, NY 12553

8-1-1

Margaret Rizzuto  
10 Park Hill Drive  
New Windsor, NY 12553

8-1-13

Christopher Newby  
Laura DiArchangel  
3 Ona Lane  
New Windsor, NY 12553

7-1-17

Hasseltine Beck Gentry  
5 Cimorelli Drive  
New Windsor, NY 12553

7-1-20

Pasquale & Anna Maria Mugnano  
2 Cimorelli Drive  
New Windsor, NY 12553

7-1-23

Charley & Mary Elizabeth Clayton  
8 Cimorelli Drive  
New Windsor, NY 12553

7-1-29

Peter & Catherine McLoughlin  
502 Union Avenue  
New Windsor, NY 12553

7-3-3

Thomas & Candace Tangredi  
6 Park Hill Drive  
New Windsor, NY 12553

7-3-7

Todd & Beth Waldo  
4 Samantha Court  
New Windsor, NY 12553

7-3-13

Joseph & Frances Roca  
26 Samantha Court  
New Windsor, NY 12553

7-4-5

Vincent Calosso  
510 Union Avenue  
New Windsor, NY 12553

8-1-11

Anthony & Maria Landi  
7 Ona Lane  
New Windsor, NY 12553

8-1-14

John & Rhoda Harvin  
1 Ona Lane  
New Windsor, NY 12553

8-1-15  
Kirk Andrews  
2 Ona Lane  
New Windsor, NY 12553

8-1-22  
Sandra Cranston  
210 Summit Drive  
New Windsor, NY 12553

8-1-19  
Robert Delson  
206 Summit Drive  
New Windsor, NY 12553

73-7-34  
Cheryl DiVincenzo-Watts  
David Watts  
305 Nina Street  
New Windsor, NY 12553

8-1-20  
Gerardo Figueroa  
Lucia Elba  
208 Summit Drive  
New Windsor, NY 12553



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## ZONING BOARD OF APPEALS

May 18, 2006

James Reynolds  
10 Samantha Court  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #06-22

Dear Mr. Reynolds:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The charge for publication in the Sentinel will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

10 Samantha Ct.  
New Windsor, NY

is scheduled for the June 12<sup>th</sup>, 2006 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#324-2006**

04/21/2006

Reynolds, James  
10 Samantha Court  
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 04/21/2006. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

ZBA 06-22

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 04-20-2006

FOR: ESCROW 06-22

FROM:

**James Reynolds**  
**10 Samantha Court**  
**New Windsor, NY 12553**


CHECK FROM:  
SAME

CHECK NUMBER: 456

TELEPHONE: 863-1571

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

4/21/06  
\_\_\_\_\_  
DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



JAMES\_REYNOLDS\_(06-22)

MS. GANN: Request for 11 foot side yard setback for proposed attached pool deck and 9 foot side yard setback and 9 ft. rear yard setback for existing shed at 10 Samantha Court.

Mr. James Renolds appeared before the board for this proposal.

MS. GANN: Tell us why you're here.

MR. REYNOLDS: I'd like to put a deck on as an extension to the other deck because there's only, the only way we can get into the pool now is to go down on the ground and up a ladder, I'd rather not, I'd rather go right off the deck extension into the pool and back out for convenience.

MS. GANN: So as it looks now I guess this doesn't attach?

MR. REYNOLDS: I drew that in, oh, no, the pool doesn't attach, I drew that in.

MS. GANN: Got it.

MR. REYNOLDS: The filter sits right there.

MR. LUNDSTROM: Looks like there are two items before us.

MR. REYNOLDS: Yes.

MR. LUNDSTROM: One is with the pool and the other one is the shed.

MR. REYNOLDS: Yes, the shed.

MS. GANN: I guess we'll take them separately, we'll

talk about the pool first.

MR. LUNDSTROM: I think so, makes sense. Question for the building inspector, if I may, Mike, if they put a deck on this pool and the deck now touches the house, are we involved with side yard and rear yard setbacks?

MR. BABCOCK: Yeah, that's why they're here tonight.

MR. LUNDSTROM: What are the current setbacks?

MR. BABCOCK: This particular piece of property that is where this deck is is a side yard, I don't know if you have this is like a corner lot.

MR. REYNOLDS: It's not a corner lot.

MR. BABCOCK: Well--

MR. REYNOLDS: Second house in from Union Avenue.

MS. GANN: Mike, do you want to take a look at these?

MR. BABCOCK: I've got everything here.

MS. MASON: You don't have the pictures, do you need the pictures, Mike?

MR. BABCOCK: I don't need the pictures.

MR. TORPEY: These are pretty good drawings.

MR. BABCOCK: Well, for some reason they decided that this was a side yard where this pool is and according to the survey it's a rear yard the way I look at it.

MR. REYNOLDS: Right.

MR. BABCOCK: So the requirements are different which we'll have to redo, I don't know why they did that.

MS. LOCEY: Could you repeat that, Mike?

MR. BABCOCK: One of my guys in the office looked at this plan and he's saying it's a side yard where this deck is, it's not a side yard, I thought it was a corner lot cause I seen the information on the bottom but it's a rear yard. The rear yard in this area is, I don't even know what it is, I think it's 45 feet. So the numbers will have to change which we can change those numbers and I'll take care of that. The numbers will have to change to whatever the requirements are. But the fact that he's putting the deck, the 14 x 14 deck he's going to attach it to his existing deck so he can walk out of his house onto the existing deck onto this deck and into the pool. So now it's considered part of the house so it's part of the setback and that's why he's here tonight, they just they've got it confused on side and rear yard.

MR. LUNDSTROM: Mike, does that require coming back for another preliminary?

MR. BABCOCK: No, if we can do it tonight, it's a matter of a number change, I've got to make sure that that number is--

MS. GANN: Do you need anything from up here?

MR. BABCOCK: No, I have everything that you have there, I just don't have the requirements with me tonight but I don't know whether it's 40 feet or 45 feet in this zone.

MS. LOCEY: And he would only have how much?

MR. BABCOCK: He's got 9 feet.

MS. LOCEY: So he would be looking for 30 foot variance, is that it?

MR. BABCOCK: Yeah, he's, you know, it could be 54 feet he's looking for, the fact of the matter is this survey doesn't changes, going to be 9 foot off that property line, the requirements whether it's 20 or 40 he's going to be the exact same distance off the property line.

MR. TORPEY: How come he can't stay even with the pool?

MR. BABCOCK: The pool is not subject that setback, the pool's only required to be 10 feet and right now like he said if he goes down off his deck onto the ground then back up onto this pool deck, it would be only 10 feet, he doesn't want to have to do that, he wants to go out on the deck and jump in his pool.

MR. LUNDSTROM: Since he has to touch the ground first before he goes into the pool it's an accessory structure?

MR. BABCOCK: That's correct.

MR. LUNDSTROM: By building the additional deck it now becomes part of the house?

MR. BABCOCK: That's correct.

MR. LUNDSTROM: Are there any other dwellings in your area similar to this where there's that type of setback from the property line?

MR. REYNOLDS: I believe there's across the street from me on Cimorelli Drive there's a house right on the corner and there's a large deck that comes off the back of the house several steps down to another deck which is around the pool. I wouldn't go to that extreme, I'd just go out of the sliding glass door onto the existing deck two steps down onto the new deck into the pool.

MR. LUNDSTROM: The house across the street, they're

not actually touching the ground before they go up on the deck for the pool?

MR. REYNOLDS: I don't believe so.

MR. LUNDSTROM: Roughly how far would you say their deck and pool is from the property line?

MR. REYNOLDS: I don't really know that.

MR. TORPEY: He's got 36 feet from the property line to the house itself.

MS. LOCEY: They're talking about the house across the street.

MR. LUNDSTROM: If we grant the variance, it's going to go from 36 down to 9 feet, I want to make sure there are other houses similar to that.

MR. REYNOLDS: Yeah, I believe so, I just don't know the measurements of other people's properties but I have a fence there in the back, we were looking for some privacy for the pool because I would put according to what I got from the building inspector, the spindles have to be four inches apart instead of six, I was looking to put some lattice up around there to give me a little more privacy from Union Avenue, people driving can look right there.

MR. BABCOCK: One of things that he runs the risk of apparently they have explained it when he attaches this deck to the existing deck we're going to go back and look at the existing deck for safety in this pool, so we're going to go back and tell him that the spindles that he has on the existing decks don't meet the code anymore, spindle distance and so on, so apparently they have talked to him about that.

MS. GANN: Okay and tell me about the deck, I'm sorry,

with the shed.

MR. REYNOLDS: The shed where it is there is too close to the property line, I'd like to have that as part of this variance rather than move it.

MS. GANN: So there's no other place within your back yard that you can find a spot for it to be within the code?

MR. REYNOLDS: Not with the angle of the property line in that corner, there's a sharp angle on that and anywhere I put the shed back there I'd have to get a variance because it's such an angle on the property line.

MR. LUNDSTROM: Jim, in the paperwork that we have here does any of this show a diagram of your property and where the shed is or where it's going to go?

MS. MASON: Just the pictures.

MR. LUNDSTROM: No plot plan.

MR. REYNOLDS: I can put it on the site plan that you have there.

MR. LUNDSTROM: Which plan?

MR. REYNOLDS: The survey.

MR. BABCOCK: This road that goes through in front of your house or--

MS. MASON: It's drawn on the survey.

MR. BABCOCK: The road or driveway that goes in front of your house, who owns that?

MR. REYNOLDS: It's a private road, the five houses in

the cul-de-sac.

MR. TORPEY: Mr. Phillips or whatever he built all those houses, remember?

MR. REYNOLDS: Corderopoli (phonetic).

MR. TORPEY: The old guy that lives in the brick house he lived across the street.

MR. TORPEY: He owned it.

MR. BABCOCK: That's the confusion here looking at this tax map this one here this lot is the front yard is actually on Union Avenue, this map, this piece of property here doesn't qualify as a road, so this is the front yard, this is the rear yard and that's why they're saying that that's the side yard because the house faces on Union Avenue so we can correct the numbers whatever you would like the numbers are the numbers.

MS. GANN: Right and they'll go in the newspaper whatever the correct numbers are?

MR. BABCOCK: That's correct.

MS. GANN: The shed, did you get a building permit for the shed?

MR. REYNOLDS: Yes.

MS. GANN: What is it sitting on?

MR. REYNOLDS: Pressure treated lumber platform.

MS. GANN: How long has it been there?

MR. REYNOLDS: Last summer, I guess.

MS. GANN: Any other questions from the board?

MR. BABCOCK: Miss Chairman, just on the building permit actually applied for a permit and we denied it, right?

MR. REYNOLDS: Yeah.

MR. BABCOCK: He applied for the permit for the shed and we denied it, disapproved it because of the setbacks. If he's successful in getting a variance then we'll give him the building permit for the shed so he didn't actually receive one yet.

MS. LOCEY: Just for the record, are you taking down any substantial vegetation or causing any drainage problems?

MR. REYNOLDS: No.

MS. LOCEY: Are there any easements over which you'll be building?

MR. REYNOLDS: No.

MS. GANN: Anything else? I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of James Reynolds and his request for a variance for an 11 foot side yard setback for, is that still correct?

MR. BABCOCK: That's correct.

MS. LOCEY: --for a proposed attached pool deck and 9 foot side yard setback and 9 foot rear yard setback for existing shed all at 10 Samantha Court in an R-4 zone.

MR. LUNDSTROM: Madam Chairman, I will second that motion.



MS. LOCEY: Before we vote, are those numbers going to change?

MR. BABCOCK: Well, it depends on whether you call it a rear yard or side yard from Union Avenue itself a side yard, from whatever this piece of property is out here is Samantha Court. When was this house built?

MR. REYNOLDS: 2001, 2000, maybe 2001, I think.

MS. LOCEY: Could I just qualify the motion?

MR. BABCOCK: Well, I think we should qualify the deck as being 9 foot off the property line and that whether we call it a rear yard the numbers will change as far as the requirements, his proposal is to be 9 feet from the property line.

MS. LOCEY: So the motion is to be amended to indicate that the variance whether it be a side yard or rear yard variance which would allow that deck to be 9 feet off the property line.

MR. BABCOCK: That's correct.

MR. LUNDSTROM: I will second that, Madam Chairman.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE



RESULTS OF Z.B.A. MEETING OF: April 2006

PROJECT: James Reynolds ZBA # 06-22  
P.B.# \_\_\_\_\_

USE VARIANCE: \_\_\_\_\_ NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING: M) LO S) LU VOTE: A 4 N 0

GANN A  
LUNDSTROM A  
LOCEY A  
TORPEY A  
~~KANE~~ \_\_\_\_\_

CARRIED: Y ✓ N \_\_\_\_\_

PUBLIC HEARING: \_\_\_\_\_ STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_

VARIANCE APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

Pool: Change setback numbers



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## ZONING BOARD OF APPEALS

April 21, 2006

James Reynolds  
10 Samantha Court  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #06-22

Dear Mr. & Mrs. Reynolds:

This letter is to inform you that you have been placed on the April 24<sup>th</sup>, 2006 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

10 Samantha Court  
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

CHECKED BY MYRA: OK 4/20/06  
**TOWN OF NEW WINDSOR**  
**REQUEST FOR NOTIFICATION LIST**

DATE: 04-20-2006 PROJECT NUMBER: ZBA# 06-22 P.B. # \_\_\_\_\_

APPLICANT NAME: JAMES REYNOLDS

PERSON TO NOTIFY TO PICK UP LIST:

James Reynolds  
10 Samantha Court  
New Windsor, NY 12553

TELEPHONE: 863-1571

TAX MAP NUMBER: SEC. 7 BLOCK 3 LOT 11  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
SEC. \_\_\_\_\_ B LOCK \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY LOCATION: 10 SAMANTHA CT.  
NEW WINDSOR

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION \_\_\_\_\_  
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 457

TOTAL CHARGES: \_\_\_\_\_



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

September 15, 2005 Application Type: Use Variance ☐ Area Variance ☒  
Date Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: (845) 863-1571  
James Reynolds Fax Number: ( )  
(Name)

10 Samantha Court New Windsor NY 12553  
(Address)

II. **Applicant:** Phone Number: (845) 863-1571  
James Reynolds Fax Number: ( )  
(Name)

10 Samantha Court New Windsor NY 12553  
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ( )  
Fax Number: ( )  
(Name)

(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ( )  
Fax Number: ( )

(Name)

(Address)

V. **Property Information:**

Zone: R-4 Property Address in Question: 10 Samantha Court New Windsor  
Lot Size:                      Tax Map Number: Section 7 Block 3 Lot 11

- a. What other zones lie within 500 feet?                       
b. Is pending sale or lease subject to ZBA approval of this Application? No  
c. When was property purchased by present owner?                       
d. Has property been subdivided previously? No If so, When:                       
e. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? No  
f. Is there any outside storage at the property now or is any proposed?

\*\*\*\*PLEASE NOTE:\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF  
SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	10'	1'	9'
Reqd. Rear Yd.	10'	1'	9'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

I would like

The ZBA to grant my application for an  
area variance because my new (last year) pool  
is a short distance from my existing deck  
The variance would permit my building a  
deck between the existing deck and pool  
allowing access to the pool from the deck(s)  
rather than entering the pool from ground  
level.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
  - ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
  - ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
  - ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

22 day of September 2005.

James S. Reynolds  
Owner's Signature (Notarized)

James S Reynolds  
Owner's Name (Please Print)

  
Signature and Stamp of Notary

MARCA PERNA  
Notary Public, State of New York  
Qualified in Suffolk County  
Commission Expires Nov. 13, 2006  
Reg No. 01PE606282

Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐





# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



4/24

## ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE: \$ 50.00  
\*ESCROW: \$300.00  
\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
\*ESCROW: \$500.00  
\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
\*ESCROW: \$500.00  
\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
\*ESCROW: \$500.00  
\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

\*

### ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

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LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

## **PUBLIC HEARING LIST OF PROPERTY OWNERS**

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list -- they will contact you when it is ready or if necessary, call Myra at 845-563-4615.)**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

### **NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

### **NOTE:**

**THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.**